

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JANUARY 9, 2008

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY
PUBLIC MATTER NOT ON THE AGENDA**_____

**APPROVAL OF THE MINUTES OF THE
DECEMBER 19, 2007**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS CONCERNING THE ANNUAL UPDATE OF THE BUTTE-SILVER BOW TRANSIT PARATRANSIT PLAN. (Communication No. 07-778 being held in Committee of the Whole) Proof of publication

SECTION II REQUEST FOR PROPOSALS

FOR THE PURPOSE OF RECEIVING SEALED PROPOSALS FROM QUALIFIED AND EXPERIENCED CONSULTANTS, FIRMS OR QUALIFIED INDIVIDUALS TO PROVIDE PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF A DEBIT/CREDIT PROCESSING SYSTEM FOR VARIOUS BUTTE-SILVER BOW CITY-COUNTY LOCAL GOVERNMENT OFFICES, TO BE ADMINISTERED THROUGH THE FINANCE AND BUDGET DEPARTMENT. (Communication No. 08-17) Proof of publication

SECTION III CONSENT AGENDA

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- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. 08-1 Judge Kurt Kruger, District Court, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
2. 08-2 Marty Alexander, requesting authorization for Chief Executive to sign change order from Harold P. Godtland. **Recommendation: concur and place on file.**
3. 08-3 Lori Maloney, Clerk of District Court, requesting amount to buy out Rose Kunz's time so that job may be posted as soon as possible for new deputy in Clerk of the Court's Office. **Recommendation: refer to Finance and Budget Committee.**
4. 08-4 Bob Sullivan, Parking Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
5. 08-5 John VanDaveer, Director Public Works Department, requesting authorization for Chief Executive to enter into contract with Earhart Builders for Work on Chelsea Bailey Animal Shelter. **Recommendation: concur and place on file.**
6. 08-6 Gary Keeler, Transit Director, requesting authorization for Chief Executive to submit Butte-Silver Bow's Annual Application for Federal Section 5311 Transit Operating Assistance Funds. **Recommendation: concur and place on file.**
7. 08-7 Paul Babb, Chief Executive, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
8. 08-8 Timothy J. McCarthy, Battalion Chief, regarding retirement notice with Butte-Silver Bow Fire Department effective December 31, 2007. **Recommendation: note and place on file.**

9. 08-9 Paul David Babb, Chief Executive, requesting approval of appointment of Mark Ingersoll and Mike Thatcher to Port of Montana Board. **Recommendation: concur and place on file.**
10. 08-10 Rob Macioroski, Director Butte-Silver Bow Land Office, requesting council direct County Attorney to prepare a resolution and deed for transfer of co-owned property to Ed Scott. **Recommendation: refer to Chief Executive for signature on Certificate of Survey and refer to County Attorney for Resolution and deed and hold in Committee of the Whole**
11. 08-11 Bill Melvin, Civic Center Director, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
12. 08-12 John C. VanDaveer, Public Works Director, requesting authorization for Chief Executive to execute utility relocation agreement for Neversweat Bridge. **Recommendation: concur and place on file.**
13. 08-13 John Moodry, Weed Department Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
14. 08-14 Debbie Hofland, Member A.B.A.T.E. of Helena, requesting Permission to conduct a raffle 3/17/08 for the benefit of the Veterans for new television. **Recommendation: concur and place on file.**
15. 08-15 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
16. 08-17 Robert M. McCarthy, County Attorney, requesting time on the 1/9/08 agenda for opening of RFP's for implementation of a debit/Credit Processing System. **Recommendation: schedule opening of RFP's and hold in Committee of the Whole.**
17. 08-18 Karen Byrnes, Director Community Development Department, requesting time on the 1/23/08 agenda to conduct a public hearing for unanticipated funds for Law Enforcement Department. **Recommendation: schedule public hearing for 1/23/08 and hold in Committee of the Whole.**
18. 08-19 Mary M. Berg, Executive Director, Career Futures, Inc., requesting approval to place a projecting wall sign at 55 W. Granite Street for

Career Futures, Inc. **Recommendation: concur and place on file.**

19. 08-20 Paul Babb, Chief Executive, requesting concurrence in reappointment of Bill Burger to the Library Board. **Recommendation: concur and place on file.**
20. 08-21 Paul Babb, Chief Executive, requesting concurrence in appointment of Dan Heaney to the Civic Center Board. **Recommendation: concur and place on file.**
21. 08-22 Paul Babb, Chief Executive, requesting concurrence in appointment of Wally Frasz to the Board of Health. **Recommendation: concur and place on file.**
22. 08-23 Paul Babb, Chief Executive, requesting concurrence in appointment of Julie Hart to the Board of Health. **Recommendation: concur and place on file.**
23. 08-24 Paul Babb, Chief Executive, requesting concurrence in appointment of Kelly Lee to the Civic Center Board. **Recommendation: concur and place on file.**
24. 08-25 Dori Skrukrud, Board Member Mai Wah Society, Inc. requesting permission to display Chinese Parade Dragon in Courthouse Rotunda. **Recommendation: concur and place on file.**
25. 08.26 Jeff Amerman, Budget Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
26. 08-27 Paul Babb, Chief Executive, requesting concurrence in reappointment of Emmett Fogarty to Law Enforcement Commission. **Recommendation: concur and place on file.**
27. 08-28 Paul Babb, requesting concurrence in reappointment of Jim Lynch and Penny McElroy to Civic Center Board. **Recommendation: concur and place on file.**
28. 08-29 Jon Sesso, Planning Director, requesting concurrence to authorize Butte-Silver Bow to entering into a Memorandum of Understanding with Sunset North Home Owners Association. **Recommendation: concur and place on file.**
29. 08-30 Jon Sesso, Planning Director, requesting approval to release a Request for Proposals for design and construction oversight

Services for the Montana Street Bridge Project.

Recommendation: concur and place on file.

- 30. 08-31 Lee Phillips, Director Butte-Silver Bow Public Library, requesting authorization for Chief Executive to sign agreement with Tri-County Mechanical and Electrical, Inc. for replacement of a chiller. **Recommendation: concur and place on file.**
- 31. 08-32 Jim Griffin, President Mai Wah Society, Inc. requesting permission to set off fireworks from corner of Mercury and Idaho on 2/9/08 for Chinese New Year. **Recommendation: Concur and place on file**
- 32. 08-33 Paul Babb, Chief Executive, requesting concurrence in reappointments of Dr. Kenneth Graham and Dr. Derice Henry-Ford to Board of Health. **Recommendation: concur and place on file.**
- 33. 08-34 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign agreement concluding the IRS examination. **Recommendation: concur and place on file.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

- 1. 08-16 Paul Babb, Chief Executive, requesting concurrence in promotion of Richard Ryan to Battalion Chief in the Butte-Silver Bow Fire Department.

SECTION V ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 08-1 ORDINANCE NO. 08-1

AN ORDINANCE AMENDING CHAPTER 2.14 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LAND DIVISION"; AMENDING SECTIONS 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.060 AND 2.14.070, B-SB MC; CREATING A LAND RECORDS DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI ORDINANCES AND RESOLUTIONS –
FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 07-107

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS EAST ONE-HALF OF LOT 3 IN BLOCK 6 OF THE FARRELL'S ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII CALENDAR OF OTHER MEETINGS AND EVENTS

Jan. 14	Archives	Noon	Archives Center
Jan. 115	Housing Authority	5:30 PM	Silver Bow Homes Housing
Jan. 15	Parks and Recreation	4:15PM	Civic Center Conference Room
Jan. 16	Parking Commission	4PM	Chief Executive's Conference Rm.
Jan. 17	Community Enrichment	3:30 PM	1st Floor Conference Room
Jan. 17	Zoning Board	5:30PM	Council Chambers
Jan. 21	Airport Authority	Noon	Bert Mooney Airport
Jan. 22	Technical Review Committee	1:30 PM	Water Company Bldg.
Jan. 23	LEPC	Noon	1 st Floor Conference Room
Jan. 23	Port of Montana	Noon	Hub Center
Jan. 23	Urban Revitalization	9AM	Chief Executive's Conference Room

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**COMMITTEE OF THE WHOLE MEETING REPORT
DECEMBER 26, 2007**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-210

Robert M. McCarthy, County Attorney, regarding Butte Community Ice Center at Clark Park. *Committee recommends that Communication No. 06-210 be cross referenced with Communication No. 07-776 and placed on file.*

SECTION II **COMMUNICATION NO. 07-201**

Rob Macioroski, Director Land Records, requesting acceptance of donation of Melrose Cemetery to Butte-Silver Bow and request County Attorney to prepare resolution. ***Committee recommends that Communication No. 07-201 be placed on file.***

SECTION III **COMMUNICATION NO. 07-259**

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. ***Committee recommends that Communication No. 07-259 be held in abeyance.***

SECTION IV

Robert A. Macioroski, Director Land Office, requesting County Attorney to prepare a resolution and deed for transfer to James N. Frevert, Adjacent owner. ***Committee recommends that Communication No. 07-613 be cross referenced with Council Resolution No. 07-107 and placed on file.***

SECTION V COMMUNICATION NO. 07-669

Donald L. Kronenberger, Sr., requesting council grant annexation of the Fish Creek/Little Fish Creek Drainage strip off Highway 41 into the Jefferson Valley

Rural Fire District. *Committee recommends that Communication No. 07-669 be held in abeyance.*

COMMUNICATION NO. 07-671

Hoot Gibson and Mike Challeen, requesting permission to erect a building on east end of the Civic Center property for Silver Bow Amateur Wrestling Association. ***Committee recommends that Communication No. 07-671 be denied and placed on file.***

COMMUNICATION NO. 07-705

John Reid, regarding proposal and request to access the Steward Mineshaft for the purpose of circulating water through a compact metal recovery unit. ***Committee recommends that Communication No. 07-705 be denied and placed on file.***

COMMUNICATION NO. 07-731

Jeff Amerman, Finance and Budget Director, requesting time on 11/28/07 agenda to give council update on the recent IRS examination. ***Committee recommends that Communication No. 07-731 be held in abeyance.***

COMMUNICATION NO. 07-754

John P. Walsh, Sheriff, requesting time on 12/19/07 agenda to conduct a public hearing to amend the FY 07-08 budget to receive unanticipated revenue from the Montana Department of Transportation. ***Committee recommends that Communication No. 07-754 be placed on file.***

COMMUNICATION NO. 07-778

Gary Keeler, Transit Director, requesting time on 1/9/08 agenda for the purpose of conducting a public hearing regarding the update to Butte-Silver Bow's - Paratransit Plan. ***Committee recommends that Communication No. 07-778 be held in abeyance***

COMMUNICATION NO. 07-722

Jon C. Sesso, Planning Director, requesting concurrence to develop the Original Mineyard into a main venue for the National Folk Festival. ***Committee recommends concurrence with request in Communication No. 07-722 and places it on file.***

FINANCE & BUDGET COMMITTEE MEETING REPORT DECEMBER 26, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 07-774

Cindy Lammi, Justice Court, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 07-774 and places it on file.

SECTION II EXPENDITURE APPROVAL

12/26/07	\$\$156,999.00
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Committee recommends approval of above expenditure.

JUDICIARY COMMITTEE MEETING REPORT DECEMBER 26, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 06-69

Charlie O'Leary, Commissioner District 5, regarding creating of an ordinance to be located in Section 6 of the Butte-Silver Bow Municipal Code Book – Animals. *Committee recommends that Communication No. 06-69 be placed on file.*

SECTION II COMMUNICATION NO. 06-531

Charlie O'Leary, Commissioner District 5, requesting Council refer to Judiciary Committee for the purpose of declaring Gas Tax Road 235 (A/K/A the East portion of Forest Service Road 84) as a county road. *Committee recommends that Communication No. 06-531 be referred to the Public Works Committee.*

SECTION III COMMUNICATION NO. 06-673

Mark and Shirley Rule, regarding proposal to enter into 5-yr renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. *Committee recommends that Communication No. 06-673 be placed on file.*

SECTION IV COMMUNICATION NO. 07-503 COMBINED WITH COMMUNICATION NO. 07-514

Cheri Brownell, requesting council consider setting aside certain areas for the setting off of fireworks.

And

John Davis, requesting restrictions be placed on the use of fireworks. *Committee recommends that Communication No. 07-503 and Communication No. 07-514 be placed on file.*

SECTION V**COUNCIL RESOLUTION NO. 07-107**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS EAST ONE-HALF OF LOT 3 IN BLOCK 6 OF THE FARRELL'S ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-107 be placed on final reading and passed.*

SECTION VI**CLAIM APPROVAL**

5023	Kevin Hawe	\$400.00	Demo Bond Refund
5110	James Lee Burns	400.00	Demo Bond Refund
5167	Estate of Dale Tarbet	1,200.00	Demo Bond Refunds

Committee recommends approval of above claims.

PUBLIC WORKS COMMITTEE MEETING REPORT

DECEMBER 26, 2007

SECTION I COMMUNICATION NO. 04-117

Charlie O'Leary, Commissioner District 5, requesting support for the creation and placement of a sign near the Webster-Garfield School on Montana. *Committee recommends that Communication No. 04-117 be placed on file.*

SECTION II COMMUNICATION NO. 06-661

Jon Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Train Road and Little Basin Creek Road. *Committee recommends that Communication NO. 06-661 has been re-submitted in Section VII and places Communication No. 06-661 on file*

SECTION III PETITION NO. 07-9

John Harrington, Building Official, requesting on behalf of Butte School District #1 to close and vacate a portion of Wyoming south of Silver Street. *Committee recommends that Petition No. 07-9 be held in abeyance.*

SECTION IV COMMUNICATION NO. 07-642

Joseph E. Lee, Commissioner District #2, requesting traffic study be conducted at intersections of State and Sherman and State and Banks Streets. *Committee recommends that Communication No. 07-642 be held in abeyance. Study will be presented to Public Works Committee the next Committee of the Whole Meeting.*

SECTION V COMMUNICATION NO. 07-654

Mike Sheehy, Commissioner District 10, requesting Mercury Street and Ohio Street be made a 4-way stop. *Committee recommends that Communication No. 07-654 be placed on file. Request has been denied by Public Works Committee.*

SECTION VI COMMUNICATION NO. 07-655

Mike Sheehy, Commissioner District 10, requesting stop sign on Iron and Nevada Streets. *Committee requests that Communication No. 07-655 be forwarded to the County for Resolution to be prepared and held in abeyance.*

SECTION VII

COMMUNICATION NO. 07-694

Charlie O’Leary, Commissioner District 5, requesting time on the Public Works Agenda to discuss improvements to the Little Basin Creek – Beef Trail intersection. *Committee recommends that Communication No. 07-694 be placed on file. Work has been partially done and remainder will be completed when weather breaks.*

SECTION VIII

COMMUNICATION NO. 07-775

John C. VanDaveer, Public Works Director, requesting permission to sell surplus vehicle for \$100.00 to Kay Jensen. *Committee denies request in Communication NO. 07-775 and places it on file*